

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☐ original ☐ design ☐ supplemental  
☒ national stage of PCT  
☐ divisional ☐ continuation ☐ continuation-in-part

COPY

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FITNESS ASSAY AND ASSOCIATED METHODS

the specification of which:

- ☐ is attached hereto.  
☒ was filed on December 21, 2000 as Application No. 09/720,276 and was amended on (if applicable).  
☐ was filed by Express Mail No. as Application No. not known yet, and was amended on (if applicable).  
☐ was filed on as PCT International Application No. PCT/ and was amended pursuant to PCT Article 19 on (if any).

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of the application identified above in accordance with 37 CFR 1.56.

I claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS						
COUNTRY	PRIOR FOREIGN APPLICATION NO.	DATE OF FILING (day,month,year)	PRIORITY CLAIMED			
				YES		NO
				YES		NO
				YES		NO

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day,month,year)
60/090,393	23 June 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC 120					
U.S. PATENT APPLICATIONS			Status (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE		PATENTED	PENDING	ABANDONED
1.					
2.					
3.					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE (day,month,year)	U.S. APPLICATION NOS. ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
4. PCT/US99/14119	23 June 1999			X	
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLICATION. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	DATE OF ISSUE (day,month,year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
Stephen L. Finley, Reg. No. 36,357  
James C. Haight, Reg. No. 25,588  
John Peter Kim, Reg. No. 38,514

Richard U. Rodriguez, Reg. No. 45,980  
Susan S. Rucker, Reg. No. 35,762  
David R. Sadowski, Reg. No. 32,808  
Marlene Shinn, Reg. No. 46,005  
Jack Spiegel, Reg. No. 34,447

all of National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, Maryland 20892-9902, Telephone (301) 496-7056.

Please recognize Leydig, Voit, & Mayer, Ltd. as Associate Attorneys in this case: Customer Number 23460.



**23460**

PATENT TRADEMARK OFFICE

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.



**23460**

PATENT TRADEMARK OFFICE

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: John W. Erickson

Inventor's signature

Date

Feb 19/2001

Country of Citizenship: US

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 5406 Jefferson Boulevard, Frederick, Maryland 21703  
(complete mailing address)

Full name of second joint inventor, if any: Sergei V. Gulnik

Inventor's signature

Date

Feb. 19, 2001

Country of Citizenship: ~~US~~

Russia

Residence: Frederick, Maryland  
(city/state or country)

Post Office Address: 8004 Meadowview Drive, Frederick, Maryland 21702  
(complete mailing address)

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

Full name of third joint inventor, if any: Hiroaki Mitsuya

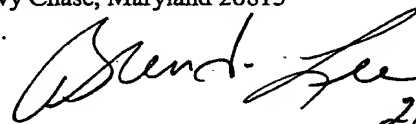
Inventor's signature

Date February 20, 2001

Country of Citizenship: JP

Residence: Chevy Chase, Maryland  
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Post Office Address: 4601 North Park Avenue, Apartment 1010, Chevy Chase, Maryland 20815  
(complete mailing address)

  
2/20/2001

BRENDA LEE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires November 22, 2004

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

**Mailed:** March 7, 2001  
Attorney Docket No. 207596-NIH  
CL/emc

**In re Application:**  
Erickson et al.

**Response to Notification of Missing Requirements**

U.S. Application No. 09/720,276

Filed: December 21, 2000

(U.S. National Phase of PCT/US99/14119; Filed: June 23, 1999)

For: FITNESS ASSAY AND ASSOCIATED METHODS

**Enclosed:** Transmittal Letter to DO/EO/US Concerning A Filing Under 35 U.S.C. 371 with Certification (3 pages in duplicate); Executed Combined Declaration and Power of Attorney (4 pages); Copy of Form PCT/DO/EO/905 (1 page); Check in the Amount of \$130.00; Return Postcard.

**Express Mail No. EL643534746US**

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**RKS**

**LH**

**Express Mail No. EL643534746US**

JC11 Rec'd PCT/PTO 07 MAR 2001